



(Ireland.)

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B I L L

To amend the Laws, in respect to Forfeited
Recognizances, in *Ireland*.

Note.—The Figures in the Margin denote the number of the Folios in the written Copy.

- 1 **W**HEREAS the several Acts of Parliament passed from time to time, to regulate and secure the collection of the Sums arising from Forfeited Recognizances, and from Fines imposed at Assizes, Sessions of Oyer and Terminer and General Gaol Delivery, and Sessions of the Peace, in *Ireland*, have been found insufficient for that purpose; and it is therefore expedient, that the said Acts should be repealed, and that more effectual provision should be made for the recovery and payment of such Sums and Fines; Preamble.
- 2 **Be it therefore Enacted**, by The KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the
- the several Acts of Parliament,
- hereafter recited, shall be Repealed; that is to say, An Act, passed in the Parliament of *Ireland* in the twenty-seventh year of His present Majesty's reign, intituled, "An Act for the better Collection of His
- 3 "Majesty's Revenue, arising from Forfeited Recognizances;" an Act, passed in the said Parliament, in the twenty-ninth year of His said Majesty's reign, to amend the said recited Act; an Act, passed in the said Parliament, in the thirty-first year of His said Majesty's reign, intituled, "An Act to discharge such Recognizances, entered
- "into for the Appearance and Prosecution of Offenders, as were forfeited before the eighteenth day of January in the year one thousand
- "seven hundred and eighty-seven, and for more effectually executing
- "the Green Wax Process, so far as the said Act of the thirty-first
- "year of His said Majesty's reign relates to such Process;" an Act, passed in the said Parliament in the thirty-second year of His
- Irish Acts relating to Fines and Forfeited Recognizances Repealed; viz.
27 Geo. III. c. 15.
29 Geo. III. c. 24.
31 Geo. III. c. 34.
32 Geo. III. c. 35.
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38 Geo. III.
c. 50.

39 Geo. III.
c. 67.

40 Geo. III.
c. 30.

49 Geo. III.
c. 81.

said Majesty's reign, to explain, amend and render more effectual the said recited Acts of the twenty-seventh and twenty-ninth years of His Majesty's reign; and to extend the Provisions thereof, and for enlarging the time for John Howard Ryan, Esquire, to account, pursuant to his Recognizance, so far as the said Act of the thirty-second year relates to the Collection of Forfeited Recognizances; an Act, passed in the said Parliament, in the thirty-eighth year of His said Majesty's reign, intituled, "An Act for the better Collection of Sums arising from Forfeited Recognizances, and from Fines imposed at Assizes, Commissions of Oyer and Terminer and General Gaol Delivery, and Sessions of the Peace, and for the future Application of the same;" an Act, passed in the said Parliament, in the thirty-ninth year of His said Majesty's reign, to amend the said last recited Act; an Act, passed in the said Parliament, in the fortieth year of His said Majesty's reign, to continue the said recited Act of the thirty-eighth year of His said Majesty's reign, and to repeal and amend part of the said recited Act of the thirty-ninth year of His Majesty's reign; and an Act, passed in the Parliament of the United Kingdom, in the forty-ninth year of His Majesty's reign, intituled, "An Act for the Amendment of the Laws now in force in Ireland, relative to Persons entering into Recognizances in Criminal Cases, in custody under any Fine, or under such Recognizances;" and the said recited Acts are and shall be Repealed: Save so far as the same respectively repeal any former Act or Acts of Parliament, or any Clause Matter or Thing therein, and save as to any proceeding in any case wherein any Process of the Pipe shall have actually issued under the said Acts, or any of them, previous to the commencement of this Act, and the collection and application of the Fines and Forfeited Recognizances in any such case; as and save so far as any of the said Acts purport to discharge any Recognizance theretofore forfeited.

51 Geo. III.
c. 50. 49. 40.
All Recognizances shall, within six Months, after the Repeal of the said Acts, be made.

Persons becoming Bail or giving Surety for keeping the Peace, shall make

And be it further Enacted, That from and after the every Recognizance taken in Ireland by or before His Majesty's Court of King's Bench there, or by or before His Majesty's Chief Justice of the said Court of King's Bench, or by or before any of the Justices of the said Court of King's Bench, or by or before any Justice or Justices of Oyer and Terminer, or Gaol delivery, or by or before any Justice or Justices of the Peace, either at their Sessions of the Peace or otherwise, or by any Magistrate or other Person lawfully authorized to take the same, shall contain the name and addition of the Person or Persons respectively, thereby acknowledging himself herself or themselves respectively, to be bound, and the name of the Township Parish and Barony, or Half Barony, or Town or City and Street therein (if in a County of a Town or City) in which the usual or actual place of residence of such Persons is or are respectively situated: And all and every Persons or Person who shall hereafter come before His Majesty's said Court of King's Bench, or before any of His Majesty's Justices of the said Court, or before any such Justice or Justices of Oyer and Terminer, or Gaol delivery, or before any Justice

- Justice or Justices of the Peace, either at their Sessions of the Peace or otherwise, or before any Magistrate or other Person lawfully authorized to admit to bail, in order to give bail or be bound for the appearance of any Person or Persons charged with any crime or crimes (which Person so charged shall by Law be entitled to bail) or for keeping the Peace, shall respectively make oath in one of the forms here following, or in some other form of words of the like import and effect, respectively; that is to say, if such Person shall reside in a county at large, in this form; (to wit)

" I A. B. do swear, that I am a Householder, and have a
 " House wherein I usually reside, at
 " in the Parish of
 " Barony or Half Barony of
 " and County of and that I support
 " and maintain myself by and
 " that I am worth the Sum of [here insert
 " the Sum in which he or she is to be bound] over and above
 " all my just debts. So help me GOD."

- And if such Person shall reside in a County, County of a City or Town, the words "reside at" and from thence to "County of" shall be omitted; and instead thereof, these words shall be inserted; (to wit)
 "reside in" [naming the Street, Square, Lane or Place] "in the Parish
 " of and County of the City or Town of
 " and every such Oath shall be annexed
 to or be written on the same piece of paper or parchment with the Recognizance, and shall be signed by the Person making the same, and attested by the proper Jurat of the Court, Judge, Justice or other Person taking the same as aforesaid, and shall be sufficient in lieu of all and every Oaths and Oath required by any Law in force in Ireland, to be taken by any such Surety.

- Provided always, and be it Enacted, That nothing herein contained shall extend or be construed to extend, to require the Person or Persons charged with any crime, and for whose appearance any Recognizance shall be about to be entered into, or any Person or Persons who shall become personally bound to keep the peace, or any Person or Persons who shall or may hereafter become bound for the prosecution of any Person or Persons charged with any criminal offence, to take such part of the said Oath as relates to such Person or Persons being a Householder, or to his her or their being respectively worth the sum or sums of money, for which he she or they is and are respectively about to be bound, over and above all their just debts; but every such last-mentioned Person and Persons shall, in like manner and form, respectively, make Oath as to the Place, Parish, Barony or Half Barony and County, and the Town or City and Street therein (if in a County of a Town or City) in which he she or they usually or actually reside.

Oath of their Residence and Sufficiency, which Oath shall be annexed to their Recognizances.

48 Geo. III. c. 23. Sec. 2.

38 Geo. III. c. 20. Sec. 3. Principals charged and bound to appear or to keep the Peace, or to prosecute Offenders, shall be sworn only to their Residence.

31 Geo. III.
c. 32, sec. 6.
Penalty on
Justices of
Peace, &c.,
neglecting to
return Recogni-
zances, or to
insert Names,
&c. &c. in
addition to any
Fine by the
Judge at
Assize.

And be it further Enacted, That all and every Justice and Justices of the Peace, and all and every Magistrate and other Person lawfully authorized to take Recognizances, who shall hereafter neglect or refuse to return the Recognizances, taken before him alone, or before him and any other Magistrate or Person or Persons so authorized to take the same, in manner hereinafter mentioned, or shall neglect or refuse to insert in any Recognizance taken before him, solely or with any other or others as aforesaid, the proper Name and Names and Addition or Additions of the Person or Persons entering into the same, according to the Provisions of this Act, or shall neglect or refuse to administer the Oaths respectively hereinbefore directed and appointed to be administered in manner so directed, shall for every such neglect or refusal (in addition to such sum as the Judge or Judges of Assize may think fit at the respective Assizes to impose upon any such Justice and Justices of the Peace, or such Magistrate or other Person aforesaid, by way of Fine for such neglect or refusal) forfeit the sum of ¹⁰ to be recovered against him by Bill, Plaint or Information, in any of His Majesty's Courts of Record in Dublin, by any Person or Persons who will prosecute or sue for the same; ¹¹ wherein no Essoign, Protection or Wager of Law shall be allowed, or more than one Impardance shall be granted.

37 Geo. III.
c. 38, s. 5, and
39 Geo. III.
c. 21.
Clerks of the
Crown and
Peace shall, on
the day
of Term after
every Session,
&c. return to
Comptroller of
the Pipe in the
Exchequer,
Estreats of all
Recognizances
sufficient and
Fines imposed,
(except Fines
on Persons
imprisoned for
Offences.)
Clerks of Nisi
Prius shall
make Returns
on the first day
of Easter and
Michaelmas
Terms, of
Fines imposed
at Assize, &c.

And be it further Enacted, That the several Clerks of the Crown and Peace throughout *Ireland*, shall, on the day of every Term next ensuing the time of holding any Commission of Oyer and Terminer and General Gaol delivery, and Session of the Peace respectively, in any County, County of a City, or County of a Town, in *Ireland*, return to the Comptroller of the Pipe in the Court of Exchequer in *Ireland*, distinct Estreats of such Recognizances as aforesaid, as shall have been forfeited, and such Fines as shall have been imposed thereon respectively (save only such Fines as shall have been imposed on Persons actually committed to imprisonment by the Court imposing such Fine, and for the same offence for which such Fine shall have been imposed) and that the several Clerks of Nisi Prius in *Ireland* shall also, on the day of every Easter and Michaelmas Term, in like manner return to the said Comptroller of the Pipe, Estreats of all Fines (save as aforesaid) which shall have been imposed at the several sittings of Nisi Prius, held in and for the City or County of *Dublin*, and at every Assizes in every County and County of a Town in *Ireland*; and if in any of the said cases there shall be no such Estreats, then the said several Persons shall in every such case make return accordingly. ¹²

38 Geo. III.
c. 52, sec. 7.
Returns of
Estreats of for-
feited Recogni-
zances and
Fines shall
specify the
Names and the
Mandates of
the Parties.

And be it further Enacted, That from henceforth all Clerks of the Court of King's Bench, Clerks of the Court of Common Pleas, Clerks of the Crown, Clerks of the Peace, Clerks of the Nisi Prius, and others to whom it belongs to make Returns of Estreats into the Exchequer, shall make the said Returns to the Comptroller of the Pipe; and that every Return of any Estreat or Estreats shall be made, so that the same shall contain as well the name and addition of the particular Person or Persons respectively who are thereby returned ¹³

as having their Recognizances forfeited and estreated, as having had Fines imposed upon them in the respective Courts from whence the said Returns are or shall be respectively made and estreated, as also the name of the place where such Person or Persons usually reside, together with the name of the Townland Parish and Barony or Half Barony, and County or Town, or City and Street therein (if in a County of a Town or City) in which such place or places of residence is or are respectively situated.

And be it further Enacted, That from henceforth all Clerks of the Court of King's Bench, Clerks of the Court of Common Pleas, Clerks of Assize or of Nisi Prius, Clerks of the Crown, Clerks of the Peace, and others to whom it belongs or shall or may belong, to make Returns of Estreats into the Exchequer, shall, upon delivery of such Estreats to the Comptroller of the Pipe, when the same shall be so delivered by them in person respectively, take the Oath following; (that is to say)

27 Geo. III.
c. 38. s. 6.
Form of the
Oath of the
several Clerks
returning
Estreats.

" I do swear, That these Estreats
" now by me delivered, are truly and carefully made up and
" examined, and that all Fines, Issues and Amerciaments,
" Recognizances and Forfeitures, which were set, lost, im-
" posed or forfeited, and in right and due course of Law
" ought to be estreated into the Court of Exchequer, are, to
" the best of my knowledge understanding and belief, therein
" contained; and that in the same Estreats are also contained
" and expressed all such Fines as have been paid into the
" Court from which the said Estreats have been made, with-
" out any fraudulent or wilful discharge, omission, misnomer
" or defect whatsoever; and that in these Estreats now by
" me delivered, the names and additions of the several
" Persons respectively mentioned therein, together with their
" respective places of Residence, and the Parishes, Baronies,
" Half Baronies, and Counties and Town and City and Street
" therein, in which such places of Residence are respectively
" situated, are truly and faithfully set forth according to the
" best of my knowledge understanding and belief.

15

28 Geo. III.
c. 95. sec. 2.

" So help me GOD."

Which said Oath the Barons of the Court of Exchequer, or any of them, are and is hereby required and empowered to administer from time to time accordingly.

And be it further Enacted, That the Clerks of the Crown and Clerks of the Peace, to whom it belongs to make Returns of Estreats into the Exchequer, if it shall not be convenient to them to deliver such Estreats into the Court of Exchequer in person, shall and may, in the place of the said Oath, take and subscribe the Oath following; (that is to say)

16

29 Geo. III.
c. 48. sec. 15.
Form of Oath
of Clerks of
the Crown and
Peace, where
they cannot
deliver the
Estreats into
the Exchequer
in person.

" I do swear that these Estreats
" now by me subscribed, are truly and carefully made up
" and

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" and examined, and that all Fines Issues and Amerciaments,
 " Recognizances and Forfeitures, which were set, lost, im-
 " posed or forfeited, and in right and due course of Law,
 " ought to be estreated into the Court of Exchequer, are to
 " the best of my knowledge understanding and belief, therein
 " contained; and that in the same Estreats are also contained
 " and expressed all such Fines as have been paid into the
 " Court, from which the said Estreats have been made,
 " without any fraudulent or wilful discharge, omission, mis-
 " nomer, or defect whatsoever; and that I will not erase or
 " alter, or cause or consent to be erased or altered, these 17
 " Estreats, or any part thereof; and that in these Estreats,
 " now by me subscribed, the names and additions of the
 " several persons therein mentioned respectively, together
 " with their respective places of residence, and the Parishes,
 " Baronies, Half Baronies, and Counties or Town or City and
 " Street therein, in which such places of residence are
 " respectively situate, are truly and faithfully set forth, ac-
 " cording to the best of my knowledge understanding and
 " belief.
 " So help me GOD."

38 Geo. III.
 c. 32. sec. 2.

Which said Oath, a Commissioner for taking Affidavits in the said
 Court of Exchequer, is hereby empowered to administer from time to
 time, in the presence of Justices of the Peace for the
 County or Place where such Oath shall be taken; and the said Com-
 missioner and Justices shall subscribe the said Oath, and the said Clerk
 of the Crown or Clerk of the Peace shall, in the presence of the said
 Commissioner and Justices, carefully seal up the said Estreats in a 18
 Paper Cover, and shall affix his Seal thereto; and the said Commis-
 sioner and Justices shall also affix their Seals thereto; and the said Clerk
 of the Crown or Clerk of the Peace shall cause the said Estreats, so
 sealed up, to be carefully delivered to the Comptroller of the Pipe, in
 the said Court of Exchequer.

After such
 Oaths, Fines
 shall not be
 reduced except
 by the Com-
 missioners for
 that purpose.

And be it further Enacted, That from and after the taking of the
 said Oaths respectively, the Fines and Recognizances therein referred to
 respectively shall not be reduced mitigated or altered, by any Court or
 Judge, or by any Person or Persons whatsoever; save only by the Com-
 missioners of Reduements, or in the manner hereinafter mentioned.

39 Geo. III.
 c. 57. sec. 14.
 On delivery of
 Estreats trans-
 mitted from
 the Clerk of
 the Crown or
 Peace, Oath
 shall be made
 that they have
 not been open-
 ed or altered.

And be it further Enacted, That the Estreats so to be delivered
 from the said Clerks of the Crown and Clerks of the Peace, in manner
 last mentioned, shall not be received by the Comptroller of the Pipe,
 unless, at the time of delivering the same, Oath shall be made in the 19
 said Court, or before one of the Barons thereof (which Oath the
 Barons of the said Court, or one of them, are and is hereby author-
 ized and required to administer) by the Person who shall have
 received the same from the said Clerk of the Crown or Clerk of the
 Peace, for the purpose of delivering the same to the said Comptroller
 of the Pipe, that the Estreats, or any of them, have not been opened
 or altered since the same were so received, for the purpose aforesaid.

And

And be it further Enacted, That on the day of every Term, the Comptroller of the Pipe shall, at the sitting of the Court of Exchequer, deliver in open Court, to the Chief Baron, or, in his absence, to the senior Puisne Baron present, a Statement in writing of all the several Officers and Persons by whom any such Estreats ought to have been returned in the said Term as aforesaid, and shall therein specify particularly which of said Persons have or hath duly made such Returns, and which of them have or hath neglected or omitted to make such Return, and shall, if required by the said Court, verify such Statement on oath in open Court; and such Comptroller of the Pipe shall, on the same Court day of each Term, deliver a Copy thereof to the Solicitor for the Casual Revenue, who shall enter, as of course, a Rule for a Fine of against every Person mentioned in such Statement, as having neglected or omitted to make such Return, unless such Person shall make such Return within days, if in the County or County of the City of Dublin, and within days, if in any other part of Ireland, and shall, at the expiration of such time respectively make such Rule absolute as of course, and shall thereupon issue an Attachment against such Person as of course, and without further Notice; and if any such Comptroller shall neglect or omit to deliver in such Statement as aforesaid, or shall omit therefrom the Names of any Person who ought to be included therein, or shall make any false Statement therein, not being required to verify the same on Oath, or shall omit to furnish such Copy as aforesaid to the Solicitor of the Casual Revenue; or if the Solicitor for the Casual Revenue shall omit to enter or make absolute such Rule or to issue such Attachment, such Comptroller and Solicitor for the Casual Revenue respectively, shall be punished for such omission or neglect, by Fine and Attachment, at the discretion of the said Court, and shall, for every such Offence, forfeit the sum of to be recovered and levied by and under the summary Order of the Court, by any Person who shall duly apply for the same.

And be it further Enacted, That the Comptroller of the Pipe shall, on every such return of Estreats, issue the second Summons of the Pipe, for the levying of all sums of Money contained in such Estreats, save as aforesaid, out of the Goods, Bodies and Lands of the respective Debtors named in such Process; and such Process shall be directed to the several Sheriffs of Counties, Counties of Cities, Counties of Towns and Districts respectively in which the several Debtors appear respectively to reside.

And be it further Enacted, That all and every Estreat and Estreats which, at the commencement of this Act, shall remain or be in any Office of or in the said Court of Exchequer, other than the Office of the Comptroller of the Pipe, and on which no Process of the Pipe shall have actually issued, shall be then forthwith delivered over to the Comptroller of the Pipe, who shall cause the Process of the Pipe, and all subsequent proceedings, according to the manner and form and

On the last day of every Term, Comptroller of the Pipe shall lay before the Court of Exchequer (on each of regular) a List of all Persons bound to return any Estreats within the Term, with the Names of the Defaulters; a Copy of which List shall be delivered to the Solicitor for the Casual Revenue, who shall enter a Rule of course, for a Fine of £. 20 on each such Defaulter, &c.

Penalty on Comptroller and Solicitor for neglect, Attachment and Fine of £. 50.

23 Geo. III. c. 28. sec. 3. Comptroller of the Pipe shall issue to the Sheriff second Summons for levying Fines, &c.

All Estreats now remaining in any other Office of the Exchequer, which on process of the Pipe shall have issued, shall be delivered to the Comptroller of the Pipe, and Process issued thereon by him, &c.

and for the purposes prescribed by this Act, to be issued and had on all such Estreats so delivered over to him, and also on all Estreats which shall then remain or be in his office, and whereon no Process of the Pipe shall have previously issued.

19 Gen. III.
c. 11, sec. 4.
repealed.
Such Process
shall be issued
ten days after
every Hilary
and Trinity
Term, and re-
turnable on the
 ensuing Hilary
Term; and
renewed when
required.

And be it further Enacted, That such Process shall be issued by the Comptroller of the Pipe within _____ days after the end of every Hilary and Trinity Term, and shall be returnable on the _____ Return day of the next Hilary Term, and such Process shall and may from time to time be renewed and issued as often as occasion shall require; and such Comptroller shall cause every such Process to be delivered to the Sheriffs respectively, to whom the same shall be directed without unnecessary delay.

Sheriffs shall
have all such
Powers of
levying as
before printing
any of the
Acts hereby
enacted.

And be it further Enacted, That the several Sheriffs, to whom such Process shall be directed, shall have the same powers to levy the 24 Debts therein to be comprised, and in executing such Process, whether by summoning and empannelling Juries, or holding enquiries upon the several matters aforesaid, or in any other way, as Sheriffs in Ireland had by Law in such cases, previous to the passing of the said Acts so hereby repealed respectively.

27 Gen. III.
c. 35, sec. 2.
Sheriff shall
levy on the
Goods before
morning to
the Body or
Lands of the
Debtor.

Provided always, and be it Enacted, That every such Sheriff shall, in the first place, resort to the Goods of every Person against whom any such Process shall be issued for the levying thereof of the Debts due by them respectively, or so much thereof as such Goods shall be sufficient to answer; and shall not in any case resort to the Body or Lands of any such Person, if such Debts can be levied out of his or her Goods.

27 Gen. III.
c. 35, sec. 15.
Allowance to
the Sheriff on
levy or arrest,
4s. 3d. per £.
on forfeited
Recognizances
and 2s. 4d. on
Fines.

And be it further Enacted, That there shall be allowed to every 25 such Sheriff the sum of _____ on every _____ which shall have been actually levied by him, for or in respect of any forfeited Recognizance, in lieu of all other Allowances in that respect; and the like sum on every _____ for which any Person or Persons shall have been taken by such Sheriff or Sheriffs, for or on account of any Recognizance forfeited; and a sum of _____ on every _____ which shall have been actually levied by him, for or in respect of any Fine in such Process as aforesaid; and a like sum for every _____ for which any Person or Persons shall have been actually taken by such Sheriff or Sheriffs, under such Process as aforesaid, for or in respect of any Fine.

27 Gen. III.
c. 35, sec. 16.
repealed.
Sheriffs shall
return to
Justices of
Assize a Cer-
tificate of the
Names of all
Persons for

And be it further Enacted, That every Sheriff shall, at every Assizes within their respective jurisdictions, return to the Justices of Assize, 26 a Certificate containing the Names of the several Persons in their custody respectively, under any Process issued for or by reason of any Fine or Fines imposed, or any Recognizance or Recognizances forfeited at any antecedent Court of Oyer and Terminer, Gaol Delivery,

Delivery, Assize or Nisi Prius, within such County, County of a City or County of a Town, and who were in their custody at any time during the then next preceding Assizes for such County, County of a City or County of a Town, or have been since committed to them; and shall also at every General Sessions of the Peace, return to the Court a like Certificate of Persons committed under any Process issued for or by reason of any Fine or Fines imposed or Recognizance or Recognizances forfeited at any antecedent Sessions of the Peace for such County, County of a City or County of a Town, and who were in their custody at any time during the next preceding Sessions of the Peace, or at any time since; and every such Certificate as aforesaid shall set forth the times when such Persons were respectively committed to prison, and the sums for which they were so in custody, and whether any and which of such Persons then remain in their custody, and if so, how long such Persons respectively have been in actual confinement for such cause; and if not then in custody, then by what authority and at what time they were respectively discharged; and the *Goalor* of every such Sheriff shall, by Affidavit, to be sworn before such Justices of Assize, or in case of a Return, to the Sessions, before any

Forward for-
warded Recogn-
izances at
pending Assize, &c.

and to the
Justices at Ge-
neral Sessions
of the Peace,
a like Certifi-
cate as to Per-
sons for
Fines, for at
pending Ses-
sions;
setting forth
the time of
Commitment,
Amount of
Fines, &c.

Goalor shall
verify each
Certificate on
Oath.

Justices of the Peace are hereby authorized and
18 required in such case to administer) verify the said Certificate; and such Certificate and Affidavit shall be lodged with the Clerk of the Crown of the County, or if at Sessions, with the Clerk of the Peace, who shall annex the same to the Estreats of all forfeited Recognizances returned by them respectively pursuant to this Act.

Certificate and
Oath shall be
lodged with
Clerks of the
Crown and
Peace, and be
annexed to the
Estreats re-
turned by
them.

And be it further Enacted, That all Sheriffs, in whose custody any such Persons as aforesaid shall be as aforesaid, shall be chargeable with all Sums for which such Persons were so in custody respectively, in the same manner as they are now by Law chargeable for Fines on Persons convicted of any criminal offences and committed to them for such Fines, and the Comptroller of the Pipe shall issue his usual Process against such Sheriffs for the same accordingly.

27 Geo. III.
c. 36. sec. 17.
Sheriff
chargeable
with the Sums
for which the
Prisoners were
committed.

29 Provided always, and be it Enacted, That where any Person for whom any Sheriff or Sheriffs shall have become chargeable as afore- said shall not remain in the custody of such Sheriff or Sheriffs, then such Sheriff or Sheriffs shall, upon his or their producing an Order of the said Court of Exchequer in any case, or of Justices of Assize, or of a Court of General Sessions of the Peace in cases cognizable by them respectively for the discharge of any such Person, be exonerated of the sum for which such Person so discharged was committed,

27 Geo. III.
c. 36. sec. 18.
Sheriff shall
be exonerated
by Order of
Discharge
from Exche-
quer, &c.

Provided also, and be it Enacted, That no Sheriff shall have re- ceive or be entitled unto any benefit of poundage or allowance under or by virtue of this Act, unless such Sheriff shall pay into the receipt of the Exchequer, according to the course of the Court, the sum with which he shall be chargeable,

31 Geo. III.
c. 23. sec. 7.
No Poundage
to Sheriff ex-
cept on due
payment of all
Sums charge-
able.

In case of false Return to any of the said Writs (not being writs) the Court may fine the Sheriff or Under Sheriff in a Sum equal to the Sum required to be levied by such Writ.

And be it further Enacted, That, if any Sheriff shall, for want of exercising due diligence, make a false Return, not knowing the same to be false, with respect to any of the Persons mentioned in the said Writs or Process, which shall be directed and delivered to him, that it shall be lawful for the Court of Exchequer, on application made to the Court in that behalf, to enquire summarily into the truth of the charge, and if they shall find that the same is true, to fine the Sheriff, by or in whose name such Return shall have been made, or his Under Sheriff, in a Sum equal to the full amount of the sum which the said Sheriff was by the Writ or Process ordered to levy of the Person with respect to whom such false Return shall have been made, together with the full Costs of such Application, and to enforce the same by Attachment against such Sheriff or his Under Sheriff, as the Court shall judge expedient. 31

See 31 G. III. c. 33. sec. 2. Sheriff, Under Sheriff, &c. shall not receive any Fee for levying or enforcing to levy any Sum.

Penalty on Sheriff taking or neglecting to answer to the Crown, for any Sum actually levied by him, shall be liable Damages to the Party and double the Sum levied.

Sheriff, Under Sheriff, &c. taking any Fee or Gift, or receiving or demanding or extorting any Green Wax Process.

shall be deemed guilty of extortion, and shall forfeit to the Party aggrieved the Sum required to be levied, and double the Sum extorted.

And be it further Enacted, That no Sheriff, Under Sheriff, Bailiff or other Persons employed in levying or collecting any of the said Debts or sums of Money, shall ask or take or receive any Fee Gift Gratuity or Reward whatsoever, of the Person or Persons liable to pay the same, or of any other Person, for or upon pretence of such levying or collecting, or of forbearing to levy or collect the same, or any part or proportion thereof; and in case any Sheriff shall nihil or not duly answer to the Crown, any Debt or sum of Money which shall have been levied collected or received by him, such Sheriff for every such offence shall forfeit

Damages to the Party aggrieved, and the sum nihil, and not duly answered as aforesaid, to His Majesty His Heirs and Successors; which said Damages and Penalty shall be ordered decreed and given by the Court of Exchequer, on Complaint and Proof of such Abuse as aforesaid, made and exhibited before the Barons of the said Court, in such summary way and method as to them shall seem meet; and in case any Sheriff, Under Sheriff, Bailiff or other Person so employed as aforesaid, shall demand take or receive any sum or sums of Money, Gift, Gratuity, or Reward of any kind whatsoever, or any Security Promise or Engagement of or for any sum or sums of Money, Fee, Gift, Gratuity, or Reward of any kind whatsoever, be the same more or less, of any Person whomsoever, for or in respect or upon pretence of executing any Green Wax Process of the Court of Exchequer in Ireland, or for or in respect, or upon pretence of Fees due to them, or any of them, for collecting or receiving the same, or for not executing or delaying to execute any such Process or any Warrant issued thereon, or shall accept of a less sum upon account, or in payment or discharge of any such Process or Warrant, than as in such Warrant or Process is mentioned; then, and in all and every such case, every Person so offending, and being thereof lawfully convicted, shall be deemed guilty of Extortion, and every Person being thereof lawfully convicted, shall forfeit for every such offence to the party aggrieved in such Process or Warrant, the amount of the sum ordered to be levied by such Process or Warrant, and the sum so extorted, together with full Costs of Suit, to be recovered by Action.

Action of Debt, Bill, Plaint, or Information, in any of the superior Courts of Record in *Dublin*.

- And be it further Enacted, That it shall and may be lawful for the said Court of Exchequer to award and order in a summary way, to every or any Person or Persons charged in such Process, such Damages Penalties and Costs, not exceeding the amount aforesaid respectively, as such Court shall think reasonable; and thereupon such offender shall not be liable to any Action or Indictment for such offence; and every such Order and Award shall have the same effect and force, to all intents and purposes, as any other Order of the same Court; and the said Costs Damages and Penalties shall be raised and levied by such process ways and methods, as are used in the said Court to enforce a compliance with any other Order of the same Court.

29 Geo. III. c. 81, sec. 21. Court of Exchequer may award Damages to Party charged in a summary way in which case the Offender shall not be liable to Action or Indictment.

- And be it further Enacted, That it shall and may be lawful from henceforth, for all and every Person and Persons who shall hereafter forfeit any Recognizance or Recognizances, or incur any Fine or Fines, or against whom any Estreat or Estreats shall or may hereafter issue, by virtue of this Act or otherwise, and who shall find himself herself or themselves respectively aggrieved thereby, to go before His Majesty's Commissioners of Reductions, who are hereby authorized and empowered to examine into the respective circumstances of the case in a summary manner; and if they shall see sufficient reason so to do, it shall be lawful for the said Commissioners to remit the whole or any part of such Recognizance Fine or Estreat, as they shall think fit.

31 Geo. III. c. 32, sec. 29. Parties aggrieved by forfeiture of Recognizance, &c. may appeal to Commissioners of Reductions, who may remit Penalties.

- Provided always, and be it Enacted, That if such Person or Persons shall so have gone before His Majesty's said Commissioners in manner aforesaid, and that they shall have thought fit altogether to remit, or partially to reduce the sum or sums contained in the said Recognizance or Recognizances, Fine or Fines, Estreat or Estreats, then and in that case, the said Person or Persons who shall respectively have obtained an Order of the said Commissioners for that purpose, shall within days from the time of obtaining the same, serve the said Order upon the Comptroller of the Pipe, or his known Deputy, at his office in *Dublin*, and the said Comptroller of the Pipe is thereupon required to file the same in his office, and to issue no Process thereon, or to issue such Process (as the case may be) according to the terms of the said Order.

31 Geo. III. c. 32, sec. 30. Persons obtaining Order for relief from such Commissioners, shall serve Notice on Comptroller of the Pipe, who shall obey such Order.

Provided also, and be it Enacted, That in case any such Fines and Recognizances which shall be so reduced or mitigated by His Majesty's Commissioners of Reductions, shall have been actually levied by any Sheriff, and not paid by him into the Exchequer, that then and in every such case, no Allowance shall be made for Poundage on the Debit of any such Sheriff for any such reduced Fines or Recognizances, but that the Poundage or Allowance, provided as aforesaid,

31 Geo. III. c. 32, sec. 31. Poundage on Sums reduced, if levied by Sheriff, shall be deducted thereout as repayment to the Party reduced.

said, on such Fines and Recognizances respectively, shall be paid to such Sheriff by the Person in whose favour or for whose benefit the Order of Reducement shall be made, which shall be so expressed in such Order, and every such Sheriff may accordingly deduct the said Poundage upon repaying the sums so levied. 37

31 Geo. III.
c. 50 sec. 31.
Court of Ex-
chequer, or
Assize, or
Sessions, may
release Person
in custody
under this Act,
in a summary
way.

Provided also, and be it Enacted, That if any Person or Persons, who shall hereafter be in the custody of any Sheriff or Sheriffs under any of the Provisions of this Act for the nonpayment of any sum or sums, shall petition His Majesty's Court of Exchequer in any case, or the Judges of Assize upon the respective Circuits, or the Court of General Sessions of the Peace in the cases directed to be certified to them respectively as aforesaid, the said Court of Exchequer, and the said Judges of Assize and Court of General Sessions of the Peace respectively, shall examine into the facts of the said Petitions respectively in a summary manner; and it shall be lawful for the said Court of Exchequer and Judges of Assize and Court of General Sessions of the Peace respectively, to grant an Order or Warrant (as the case may be) under their hands, to discharge any Person or Persons so in custody, and petitioning them respectively as aforesaid, if they shall respectively see sufficient reason so to do; which Order or Warrant, upon being filed with the Comptroller of the Pipe, shall respectively be an Acquittance to the said respective Sheriffs for the sum and sums for which the Person or Persons so discharged was or were in custody. 38

Orders at Ses-
sions shall be
made with
concurrence of
Assistant Bar-
rister for-
ever or Re-
corder.

Provided also, and be it Enacted, That no such Order or Warrant of the Court of General Sessions of the Peace shall be valid, unless made with the concurrence and under the hand of the Assistant Barrister of the County in which such Court of General Sessions shall be, or in Counties of Cities and Counties of Towns, unless made with the concurrence and under the hand of the Recorder.

Petitioners in
the County
Gaol, may be
removed to the
Bridewell of
any Town
where the Ses-
sions are held.

AND in order that all Persons, who shall be entitled to petition any such Court of General Sessions as aforesaid, may be enabled so to do; BE it Enacted, That whenever the General Sessions of the Peace for any County in *Ireland*, shall be held in any City or Town of such County, other than that in or near to which the County Gaol shall be, the Sheriff of such County shall at any time, not more than 39

before the day of such Sessions, and he is hereby required, to cause each and every Prisoner in such Gaol, who shall be entitled to petition such Court, and shall desire the same, to be removed at the expense of such Person to the Bridewell of such Town where such Sessions shall be so held, and to detain them respectively therein, so long as may be necessary for the purposes of such Petition; and before the end of from the last day of such Sessions, to cause such of them as shall not be discharged, to be removed again to the County Gaol. 40

45 Geo. III.
c. 41, sec. 1.
In cases of 41.

And be it further Enacted, That if the Petition in any such case shall allege the poverty or inability of the Petitioner to pay the amount of

of the sum or sums for which he or she shall be so in custody, the Court or Judge, in examining into such Petition, shall enquire whether such Petitioner may not be of ability, or have the power to pay and discharge some and what part or proportion of the sums or sums for which he or she shall be so confined, and shall not, on the said ground of poverty or inability, order such Petitioner to be so discharged, but on the payment of such part or proportion of such sum or sums as he or she may so have the power to pay and discharge; and if such Petitioner shall have been a Surety in a forfeited Recognizance, then the Court or Judge shall also enquire when and by what means such

41 Person became unable to pay such amount; and unless such Court or Judge shall be satisfied that such inability arose without fraud contrivance or wilful default, after the time of entering into such Recognizance, such Court or Judge shall not order that such Person be discharged until after the end of calendar months at the least from the commencement of his or her imprisonment under such process.

legal Poverty or Inability of Petitioner, the Court shall enquire if the Petitioner cannot pay part of the sum due, &c.

And be it further Enacted, That in any case in which such Petitioner shall have been fined, or shall have been the principal in any Recognizance on which he or she shall be so in custody, such Court or Judge shall also enquire into the nature of the offence for which such Fine shall have been imposed, or of the charge in consequence of which such Recognizance shall have been entered into, and under what circumstances the same was forfeited; and in case such Petitioner shall be so in custody, under any Recognizance to

42 answer or appear to any charge, and shall after the forfeiture of such Recognizance have been tried and acquitted of such charge, such Court or Judge shall enquire whether on such trial all the Witnesses for the Prosecution attended, and were examined; and if not, then whether by the forfeiture of such Recognizance the attendance of any such Witness was in any respect prevented; and if such Petitioner shall be a Surety, then such Court or Judge shall enquire whether such Surety used due diligence to make the Principal amenable to the Law; and in all and every of such cases the said Court or Judges or Judge of Assize shall have full power and authority, if they or he shall think proper, to order the discharge of such Petitioner, either generally or after such length of time as such Court or Judges or Judge, in his or their discretion shall think fit, having respect to the circumstances of the case, and the length of time that such Petitioner shall have been in custody previous to the

43 making of such Order, and to the object and purposes of this Act; and such Order in such form shall be good and valid to all intents and purposes whatsoever.

49 Geo. III. c. 81. sec. 4. Where Petitioner is the Party fined, or is the principal in any forfeited Recognizance, the Court shall enquire into all the circumstances of the case, before granting any Relief.

Provided always, and be it Enacted, That nothing herein contained shall extend to deprive any Corporation, or any Person or Persons, of any Rights they now have under their respective Charters or Patents, to any Fines Amerciaments or Recognizances whatsoever.

38 Geo. III. c. 59. sec. 35. Provision for Rights of Corporation to Fine.

29 Geo. III
c. 58. s. 22.
Sheriff's 1809
plead General
Issue.

And be it further Enacted, That if any Action upon the Case, Trespass, Battery, or false Imprisonment, shall be brought against any such Sheriff as aforesaid, or any other Person or Persons, who, in his aid or assistance, or by his commandment, shall do any thing touching his aforesaid office, or for or concerning any matter cause or thing by them or any of them done by reason thereof, it shall be lawful for the Defendant or Defendants in every such Action, to plead thereunto the General Issue, if not guilty, and to give the Special Matter in evidence to the Jury who shall try the same; and if upon such Trial, a Verdict shall be had for such Defendant or Defendants, or if the Defendant or Defendants shall have Judgment upon Demurrer, or if the Plaintiff or Plaintiffs therein shall be nonsuited or suffer any discontinuance thereof, that in every such case, the Defendant or Defendants shall have his or their Costs, which he or they shall have sustained by reason of such Action or Suit, for which the said Defendant or Defendants shall have like remedy, as in other cases where Costs by Law are given to the Defendant.

Tribble Costs
on Verdict for
them.

Act may be
amended.

And be it further Enacted, That this Act may be amended altered or repealed during the present Session of Parliament.

Commence-
ment of Act.

And be it further Enacted, That this Act and every Clause and Provision therein contained shall commence and have effect on and from the

and not sooner.

SESS. 1817.

(Ireland.)

A

B I L L

To amend the Laws, in respect to Fortified
Recognisances, in Ireland.

Ordered, by The House of Commons, to be Printed
on May 1817.
